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9 *Attorneys for Defendant*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 Fernando Gastelum,

13 No. 2:18-cv-00452-JJT ·

14 Plaintiff,

15 **DEFENDANT'S OFFER OF**
16 **JUDGMENT**

17 vs.

18 Tempe Hospitality Ventures, LLC,

19 Defendant.

20 Pursuant to Rule 68(a), Fed. R. Civ. P., Defendant, Tempe Hospitality
21 Ventures, LLC (“THV” or “Defendant”), hereby offers to allow judgment to be
22 entered against it, with Plaintiff’s costs then accrued, as follows:

23 • Defendant will (within 60 days) identify and describe on its website the
24 following accessible features:

25 **ACCESSIBLE PUBLIC SPACES**

26 • Public entrance
27 • Service animals welcome
28 • Accessible route from public entrance to registration
• Accessible route from public entrance to guest rooms
• Accessible route from public entrance to restaurant
• Accessible route from public entrance to meeting room/ballroom
• Accessible route from public entrance to fitness center
• Accessible route from public entrance to swimming pool
• Accessible route from public entrance to business center
• Registration desk
• Restaurant
• Self-parking area for cars

- 1 • Self-parking area for vans
- 2 • Fitness center
- 3 • Swimming pool
- 3 • Business center

4 **ACCESSIBLE GUEST ROOMS**

- 5 • Bathtubs with grab bars
- 6 • Visual fire alarm
- 7 • Telephone notification device
- 8 • Mobility-accessible doors with at least 32 inches of clear door width
- 9 • Portable tub seats
- 9 • TTY (Text Telephone Device)
- 10 • Televisions with closed captioning for the hearing impaired
- 11 • Defendant will (within 60 days) communicate the above referenced accessible features to all third party booking agents who facilitate online or telephonic reservations for Defendant's hotel.
- 12 • Defendant will (within 60 days) modify its policies, practices and procedures to ensure that individuals who require mobility and/or ambulatory assistance can make reservations for accessible guest rooms during the same hours and in the same manner as individuals who do not require mobility and/or ambulatory assistance.
- 13 • Defendant shall (within 90 days) identify mobility accessibility features at its hotel that do not comply with the 2010 Standards of Accessibility Design and shall, within 12 months, remove barriers to mobility accessibility to the extent that such removal is readily achievable.

22 This offer is exclusive of reasonable attorneys' fees, costs and expenses to which
23 Plaintiff may be entitled, but which Defendant reserves the right to contest and challenge.

24 This offer shall remain effective for fourteen (14) days after it is served. If this
25 offer is not accepted in writing within the effective time period, it shall be deemed
26 withdrawn and no evidence of this Offer shall be admissible except in a proceeding to
27 determine costs, fees and/or sanctions as otherwise allowed pursuant to Rule 68.

1 You are also hereby put on notice that if this offer is rejected, and a judgment is
2 subsequently obtained that is equal to or more favorable to Defendant than this offer,
3 Plaintiff will be required to pay Defendant's costs incurred after the offer was made.

4 RESPECTFULLY SUBMITTED this ~~25~~²⁶ day of April, 2018.

5 **JENNINGS, STROUSS & SALMON, P.L.C.**

6
7 By: _____
8 Lindsay G. Leavitt
9 One East Washington Street, Suite 1900
Phoenix, AZ 85004-2554
Defendant

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CERTIFICATE OF SERVICE

I served the attached document via E-mail on this 12 day of April, 2018, on the following.

Peter Strojnik
ADA@strojnik.com
STROJNIK, P.C.
2375 East Camelback Road, Ste. 600
Phoenix, AZ 85016

Ans. David Dicenso